IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

BRIAN VARNER,	§.	
Plaintiff,	Š	
	Š	1:23-CV-00630-ADA
v.	Š	
	Š	
STATE FARMS LLOYDS,	Š	
Defendant.	Š	
5	Š	

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Mark Lane. ECF No. 13. The Report recommends that Defendant State Farm's Verified Plea in Abatement and Motion to Limit Fees (ECF No. 4) be granted. The report further recommends that this lawsuit remain abated until the 60th day after Plaintiff serves State Farm with notice complying with Texas Insurance Code §541.154 and §542A.003 as well as with Texas Business and Commerce Code §17.505. *Id.* The Report and Recommendation was filed on October 10, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider "[f]rivolous, conclusive, or general objections." *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on October 24, 2023. ECF No. 14. The Court has conducted a *de novo* review of the Motion to Limit Fees and Verified Plea in Abatement (ECF No. 4) the

responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Lane, ECF No. 13 is ADOPTED.

IT IS FURTHER ORDERED that Defendant's objections are OVERRULED.

IT IS FURTHER ORDERED that Defendant's Verified Plea in Abatement and Motion to Limit Fees is **GRANTED** in accordance with the Report and Recommendation.

IT IS FINALLY ORDERED that this lawsuit REMAIN ABATED until the 60th day after Plaintiff serves State Farm with notice complying with Texas Insurance Code §541.154 and §542A.003 as well as with Texas Business and Commerce Code §17.505.

SIGNED this 25th day of October, 2023.

ALAN D ALBRIGHT

UNITED STATES DISTRICT JUDGE